

Filed

NOV 14 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAE BATTAGLIA,
Plaintiff,

v.

DONALD R. LEVITT,
Defendant.

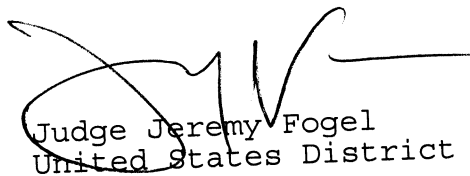
Case No. C-07-2083-JF
ORDER OF DISMISSAL

On April 13, 2007, Defendant Donald R. Levitt removed this action from state court and the matter was assigned to Magistrate Judge Patricia Trumbull. On April 27, 2007 Defendant Levitt filed a request to dismiss this action. Judge Trumbull informed Plaintiff's counsel that a Defendant may not dismiss an action unilaterally and that Plaintiff would need to take some action to have the case dismissed. A Case Management Conference was scheduled on July 31, 2007, at which Plaintiff and Defendant both failed to appear. On August 13, 2007 Judge Trumbull issued an Order to Show Cause requiring a response be filed no later than August 31, 2007. No response has been filed. Neither party has

1 consented to Magistrate Trumbull pursuant to 28 U.S.C. § 636 (c).
2 The matter was reassigned to District Court Judge Jeremy Fogel on
3 October 30, 2007.

4 Judge Trumbull has recommended that this matter be dismissed
5 for failure to prosecute. No opposition to that recommendation
6 having been received by November 14, 2007 this matter is hereby
7 dismissed with prejudice.

8 11-13-07

9 
10 Judge Jeremy Fogel
11 United States District Court
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